

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SACRAMENTO SESSION
FEBRUARY 8, 2005**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on February 8, 2005.

TUESDAY, FEBRUARY 8, 2005—9:15 A.M.

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| (1) | S121173 | Fox v. Ethicon Endo-Surgical |
| (2) | S118052 | People v. Thomas |
| (3) | S114888 | Parnell v. Adventist Health System/West |

2:00 P.M.

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| (4) | S109735 | Julian v. Hartford Underwriters |
| (5) | S110887 | In re Reeves on Habeas Corpus |
| (6) | S030644 | People v. Ricardo Roldan <i>[Automatic Appeal]</i> |

George
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, FEBRUARY 8, 2005—9:15 A.M.

(1) Fox v. Ethicon Endo-Surgical, S121173

#04-12 Fox v. Ethicon Endo-Surgical, S121173. (F041148; 112 Cal.App.4th 1572; Superior Court of Fresno County; 0654613-9.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: When a tort plaintiff suspects or should suspect that her injury has been caused by a negligent act (her, possible medical malpractice during a surgical procedure), does the statute of limitations begin to run at that point against all potential wrongdoers (including the manufacturer of a medical device used in the procedure that plaintiff subsequently discovers may have been defective), or does it begin to run at that initial point only for those defendants whom plaintiff then knows, suspects, or reasonably should know or suspect of wrongdoing?

(2) People v. Thomas, S118052#03-126 People v. Thomas, S118052. (F037501; 109 Cal.App.4th 1520; Superior Court of Kern County; 81072.) Petition for review after the Court of Appeal remanded for redetermination of sentence and otherwise affirmed a judgment of conviction of criminal offenses. This case

includes the following issue: When the prosecution files a criminal proceeding against a juvenile offender in adult court under the provisions of the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)), and the juvenile is convicted of an offense listed in Welfare and Institutions Code section 1732.6(b), does a trial court have the authority to order a juvenile disposition other than a commitment to the California Youth Authority?

(3) *Parnell v. Adventist Health System/West, S114888*

#03-82 Parnell v. Adventist Health System/West, S114888. (F038004; 106 Cal.App.4th 580; Superior Court of Kern County; 239123SPC.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: May a healthcare provider that has provided services to a patient covered by a health insurance plan impose a lien upon a judgment obtained by the patient from a third party tortfeasor for the difference between the amount the hospital agreed to accept from the patient's health insurance plan for the services and the hospital's reasonable and usual charges for the services?

2:00 P.M.

(4) *Julian v. Hartford Underwriters, S109735*

#02-178 Julian v. Hartford Underwriters, S109735. (B149088; 100 Cal.App.4th 811.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case includes the following issue: Was damage to property from a landslide caused by heavy rainfall covered under an "all-risk" policy despite policy exclusions for landslides and weather conditions contributing to landslides?

(5) *In re Reeves on Habeas Corpus, S110887*

#02-203 In re Reeves on Habeas Corpus, S110887. (G028823; 102 Cal.App.4th 232.) Petition for review after the Court of Appeal affirmed an order granting a writ of habeas corpus. This case presents the following issue: Does Penal Code

section 2933.1, which limits the work-time credits that can be earned by a prisoner convicted of a violent felony to 15 percent of the amount that would otherwise accrue under section 2933, limit the credits applicable to the sentence imposed for each offense of which such a prisoner is convicted, including a concurrent sentence for a nonviolent offense that is imposed in a proceeding unrelated to the violent felony?

(6) People v. Ricardo Roldan, S030644 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.